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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 29, 2002

APPLICATION OF

THE CITY OF CHESAPEAKE

CASE NO. PUE-2002-00096

For approval of the condemnation
of a utility easement containing
4,214 square feet or 0.00967 acre,
more or less, for the installation
of a water transmission line on land
owned by the City of Suffolk and located
in the Sleepy Hole Borough of the City
of Suffolk

ORDER

On March 1, 2002, the City of Chesapeake ("Chesapeake")
filed an application with the State Corporation Commission
("Commission"), seeking to invoke our authority under § 25-233
of the Code of Virginia to grant permission for one entity
having the power of eminent domain to initiate a condemnation
action to acquire property of another similarly endowed entity,
in this case the City of Suffolk ("Suffolk").

The Commission entered an Order on March 7, 2002,
permitting Suffolk to answer Chesapeake's application on or
before March 27, 2002, and Suffolk timely filed its responsive
pleading.

The Commission is of the opinion that the respective cities

Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, e.g., PUE010663 to the following: PUE-2001-00663.

should advise the Commission whether there are matters of fact in dispute between them that require the taking of evidence, or whether there are only issues of law for the Commission to pass upon in this matter. Further, the Commission will request the filing of legal memoranda by each city supporting its respective position.

Accordingly, IT IS ORDERED THAT:

(1) On or before May 10, 2002, Chesapeake and Suffolk shall jointly file with the Clerk of the Commission, P.O. Box 2001, Richmond, Virginia 23218 an original and fifteen (15) copies of a stipulation, setting out any pertinent matters of fact not in dispute and a separate statement from each, if necessary, stating matters of fact that are in dispute that would necessitate the taking of evidence.

(2) Should there be no matters of fact in dispute that require the taking of evidence, either Suffolk or Chesapeake may request oral argument by filing an original and fifteen (15) copies of a request for oral argument on or before May 10, 2002.

(3) Each city may file an original and fifteen (15) copies of a legal memorandum supporting its position in this matter on or before May 17, 2002.

(4) This matter is continued for further orders of the Commission.